

Remarks/Arguments:

Claim 58 has been rejected under 35 U.S.C. § 112, first paragraph. The rejection is respectfully traversed. The Official Action indicates that claim 58 is supported at column 5, lines 27-60. Applicant's representative respectfully disagrees. As explained on page 12 of the Amendment filed on July 9, 2007, the features of claim 58 are supported at column 7, lines 31-34, 57-59 and Fig. 5. In particular, action 53 refers to a recording/reproducing apparatus ID number which, in an exemplary embodiment of the present invention, corresponds to Applicant's claim 58. Hence, Applicant's claim drive ID may correspond, as set forth in the outstanding Official Action, to a structure located in the "client apparatus."

Various claims have been rejected as being unpatentable under 35 U.S.C. § 103(a) based on the combination of Horton (U.S. Patent No. 4,945,563) and Yoo (U.S. Patent No. 5,450,210). In a previous Amendment, Applicant's representative added several dependent claims which recited that the claimed medium was a non-sequentially accessible medium. As understood by one of ordinary skill in the art, a sequentially accessible medium may be tape. Tape must be accessed sequentially (i.e., a user cannot go from the beginning of a tape to an end of a tape without going through the middle of the tape). As understood by one of ordinary skill in the art, a non-sequentially accessible medium is a disk. Thus, it is possible to move from one location of the disk to another location of the disk without having to access a portion of the disk therebetween.

The Official Action has rejected Applicant's "non-sequentially accessible medium" claims by combining Horton and Yoo with Yarborough (U.S. Patent No. 4,598,288). Applicant is taking the following positions regarding that rejection:

- 1) Applicant has now included the feature of "non-sequentially accessible" into the independent claims.
- 2) Applicant respectfully (and strongly) traverse the rejection of those claims.

The reason why the rejection of the "non-sequentially accessible medium" claims is traversed is because Yoo and Yarborough have been combined into a single rejection. Simply put, a combination of Yoo and Yarborough into a single rejection is improper. Yoo is geared strictly towards a video tape storage medium. The features that are disclosed in Yoo are disclosed in Yoo because Yoo is directed to a videotape storage medium. The following language from Yoo is noted:

In order to find a video signal of a desired portion among recorded contents on a videotape, a video index search system (VISS) and a video address search system (VASS) are employed in apparatuses such as VCR's and camcorders using the videotape. (col. 1, lines 20-24)

However, the adoption of the VISS or VASS has the following problems in searching the recorded contents on the videotape. (col. 1, lines 36-38)

With VISS ... the videotape must be played from its beginning to the end when searching for the desired contents. With VASS ... when the position of the desired content is not definite, the search must be performed from the start point of the search to the end of the videotape or must be performed after rewinding the videotape. (col. 1, lines 40-46)

Therefore, it is an object of the present invention to provide a video library system for recording or playing an index (ID) code indicating information about the videotape during vertical blanking period of a video signal to enable a user to search a desired picture without using the VISS or VASS. (col. 2, lines 6-12)

The Official Action combines Yarborough with Yoo because Yarborough teaches the use of a video disk or a floppy disk. To use Yoo's disclosure, however, so that Yoo's disclosure is being used in a non-sequentially accessible medium completely destroys the entire reason why Yoo exists. Applicant acknowledges that Yarborough teaches both videotape and video disk. Applicant does not contest that videotape and video disk are known in the art. What Applicant contests is the USPTO's position that one of ordinary skill in the art would rely on the disclosure of Yoo in an environment having a non-sequentially accessible medium. Applicant's position is that one of ordinary skill in the art would not use the disclosure of Yoo in conjunction with a non-sequentially accessible medium because the disclosure of Yoo is useless in such an environment. If the USPTO disagrees, then the USPTO is requested to specifically

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state on the record why one of ordinary skill in the art would use a disclosure specifically directed to the problems of videotape in a disk environment.

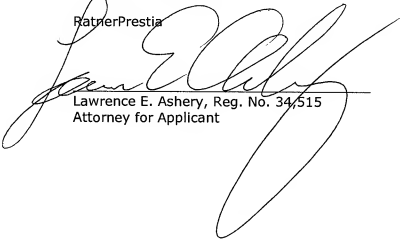
The reasoning provided in the Official Action for combining the references is that it would have been obvious to modify Horton "for the purpose of taking advantage of the known benefits of digital technology, as taught by Yarborough ...". This is a mere conclusion. "Rejections on obviousness grounds cannot be sustained by mere conclusionary statements; instead, there must be some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness." KSR International Co. V. Teleflex Inc., 550 U.S. ____.

Furthermore, there is no explanation in the Official Action as to why Horton, Yoo and Yarborough would be combined. Applicant asserts that Yoo and Yarborough are not combinable (with any other reference) to obtain an invention based on a non-sequentially accessible medium.

Accordingly, Applicant's pending claims are patentable over the art of record. Allowance of the above-identified application is respectfully requested.

Respectfully submitted,

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